

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:12-CR-239-GCM-DCK**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**ANN TYSON MITCHELL,**

**Defendant.**

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**ORDER**

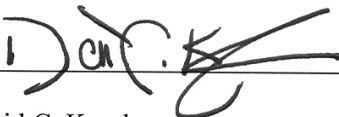
**THIS MATTER IS BEFORE THE COURT** on the “Motion For Psychiatric Or Psychological Evaluation And Competency Hearing” (Document No. 346), filed by the government on September 20, 2013. In the motion, counsel for the government suggests that the Defendant may not be competent to proceed and therefore requests that an examination be conducted, and thereafter a hearing held, to determine the Defendant’s competency. The government makes its motion pursuant to 18 U.S.C. §§ 4241(a), 4241(b), and 4247(b). While counsel for the Defendant has not yet responded, the Government’s motion indicates that “Defense counsel states that he opposes the motion.”

The Court notes that the Defendant is currently out on pretrial release, and the granting of the government’s motion would therefore require that she be taken into custody. As noted above, the Court observes that defense counsel apparently opposes the motion, implying that he does not believe that the Defendant is incompetent. In all likelihood, a hearing will be required to determine an appropriate disposition of the government’s motion, and the Court will want to have the benefit of a written response from counsel for the Defendant prior to that hearing.

**IT IS THEREFORE ORDERED** that counsel for the Defendant shall file a response to the government's motion on or before **October 3, 2013**. After reviewing the response, the Court will determine appropriate next steps in this matter.

**SO ORDERED.**

Signed: September 25, 2013

  
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David C. Keesler  
United States Magistrate Judge

